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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4722 OF 2003

Thane Hill Top Co-operative Housing Society Limited ... Petitioner

Vs.

The State of Maharashtra & Ors. ... Respondents

Mr. S.M. Oak for the petitioner.

Mr. A.P. Vanarse, A.G.P. for respondent 1.

Mr. R.S. Apte for respondents 2 and 3.

CORAM: V.G. PALSHIKAR &
SMT. RANJANA DESAI, JJ.

DATED: 19TH AUGUST, 2004.

P.C.:-

1. This petition challenges order passed by the Assistant Director, Town Planning, Thane. That order is impugned on the ground that the order is without jurisdiction for reasons mentioned in the petition. The petitioner has a remedy efficacious and better than writ to approach the civil court which can adjudicate all these issues including the questions of correctness of the notifications, empowering the Assistant Director, Town Planning to the extent of delegation of power under the Act. All can be gone into by a competent jurisdiction. Hence, reserving that right of the petitioner, this petition is disposed of.

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2. Parties shall maintain status-quo as of today for a period of four weeks from today.

3. Petition is accordingly disposed of.

(V.G. PALSHIKAR, J.)

(SMT. RANJANA DESAI, J.)